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12 Plaintiff in *PRO PER*

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14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16

17 EDWARD “COACH” WEINHAUS,

18 Plaintiff,

19 v.

20 REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

21 Defendant.
22

Case No. 2:25-cv-00262 JFW (ASx)

**JOINT STIPULATION
REGARDING LOCAL RULE 7-3
CONFERENCE**

Judge: John F. Walter
Mag. Judge: Alka Sagar
Crtrm.: 7A
Trial Date: Not Set

23
24 Plaintiff Edward “Coach” Weinhaus (“Plaintiff”) and Defendant The Regents
25 of the University of California (“Defendant”) (collectively, the “Parties”) hereby
26 submit this Joint Stipulation regarding the Parties’ participation in the Local Rule 7-
27 3 Conference in advance of Defendant’s anticipated Motion to Dismiss Plaintiff’s
28 Complaint and Request for Judicial Notice in Support thereof:

1 1. Counsel for Defendant reside and work in San Diego, California, which
2 is located in the Southern District of California. Plaintiff is currently located in the
3 United Kingdom, but otherwise works and resides in Missouri.

4 2. Pursuant to Local Rule 7-3, this Court's Standing Order, and this
5 Court's March 18, 2025 Order, the Parties met and conferred via videoconference
6 on April 1, 2025 regarding Defendant's intended Motion to Dismiss Plaintiff's
7 Complaint and Request for Judicial Notice in Support thereof ("Request"). This
8 videoconference lasted approximately 45 minutes. The Parties discussed their
9 respective positions as to the arguments contained in the Motion to Dismiss and
10 Request, of which Plaintiff had received the full briefing in advance.

11 3. During this videoconference, the Parties did not come to agreement on
12 the following topics:

13 a. Request for Judicial Notice Documents Exhibits A, B, C.
14 Plaintiff's position is that these documents, as used, are irrelevant and prejudicial
15 when they are relied on for the truth of the matter therein and not their mere
16 existence. Rather than cherry-picking documents to avoid the strictures of a
17 12(b)(6) motion, Plaintiff stated in the interest of compromise to not object should
18 Defendant choose to request judicial notice for the full employee review file.

19 b. First and Second Claims for Discrimination in Violation of Title
20 VII. Defendant's position, as set forth in its Motion to Dismiss, is that Plaintiff's
21 claims are untimely because he did not file his civil complaint within 90 days of
22 receiving his first right-to-sue letter from the Equal Employment Opportunity
23 Commission. Plaintiff informed Defendant of his position that their citation had no
24 application to matters in the Complaint because it only applied when the Right to
25 Sue letter had no right to be issued. Plaintiff also informed Defendant of his position
26 that the civil complaint was timely because it was filed within 90 days of receiving
27 his second right-to-sue notice, and provided legal citation in support.

28 c. First through Fourth Claims for Discrimination in Violation of

1 Title VII and the FEHA. Defendant's position, as set forth in its Motion to Dismiss,
2 is that Plaintiff's discrimination claims were not adequately pled because Plaintiff
3 also alleged equally plausible, nondiscriminatory and legitimate reasons for his
4 termination in both his complaint and in the documents incorporated by reference.
5 Plaintiff informed Defendant of his position that his claims were properly pled
6 because the bases for the "reasons" were addressed as illegitimate in the Complaint
7 or were as a result of the Defendant's attempt to rely on the truth of the matters
8 asserted within the documents via its Request for Judicial Notice. Additionally,
9 Plaintiff noted his belief that the direct reliance on the truth of matters asserted
10 within those documents required converting the Motion to Dismiss into a motion for
11 summary judgment. Defendant did not agree with this position and provided
12 authority that matters incorporated by reference or judicially noticed may be
13 considered on a Rule 12 motion. Plaintiff asserted that Defendant was confusing the
14 existence of the documents and irrefutable conclusions contained therein (such as a
15 deed) versus rebuttable factual assertions that contradict factual matters in a
16 complaint, creating a factual issue. Plaintiff offered to move forward without
17 objection to reliance on what he considered new facts in the Motion based on
18 Exhibits A-C in the Request if the Defendant stipulated to a Summary Judgment
19 proceeding. Defendant did not agree.

20 4. The Parties reached agreement as to Plaintiff's fifth through eighth
21 claims. After discussion of the Parties' respective positions, Plaintiff agreed to
22 replead the fifth through eighth causes of action.

23 5. Plaintiff will file a First Amended Complaint 28 days from the date of
24 this filing.

25 IT IS SO STIPULATED.
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1 Dated: April 3, 2025

QUARLES & BRADY LLP

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3 By: /s/ Matthew W. Burris

4 SANDRA L. McDONOUGH

MATTHEW W. BURRIS

5 KELLY M. BUTLER

6 Attorneys for THE REGENTS OF THE
7 UNIVERSITY OF CALIFORNIA

8 Dated: April 3, 2025

9
10 By: /s/ Edward "Coach" Weinhaus

11 EDWARD "COACH" WEINHAUS

12 Plaintiff in PRO PER
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